

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

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FEB 25 2008

Mr. John A. DeLashmit, P.E.
U.S. Environmental Protection Agency
Region VII
901 North Fifth Street
Kansas City, KS 66101

Re: Permit for Oak Grove Wastewater Treatment Plant in Lieu of Total Maximum Daily Load for Horseshoe Creek (WBID 3413)

Dear Mr. DeLashmit:

Horseshoe Creek near the City of Oak Grove in Jackson County, Missouri, is on the 2002 303(d) list for Biochemical Oxygen Demand (BOD) and ammonia. The source of these impairments is listed as the Oak Grove Northwest Wastewater Treatment Plant (WWTP), Permit Number MO-0040886 and Oak Grove South WWTP, Permit Number MO-0106259. The Missouri Department of Natural Resources (department) has opted to correct these impairments through permit limits in lieu of a Total Maximum Daily Load (TMDL).

The outfalls for Oak Grove's Northwest and South lagoons were near the headwaters of Horseshoe Creek, near the upstream end of the classified portion. There were no other WWTPs upstream and the land use is largely sparse rural development. The North and South WWTPs are believed to have been the sole source of the BOD and ammonia loads to the creek. The listing for the impaired reach (first listed in 1998) was based on visual inspections of Horseshoe Creek during summer low flow conditions. Fifty samples were taken in the stream in 2001 and 2003, showing very low dissolved oxygen and high ammonia levels in the stream. The city upgraded their WWTPs in 2005 by constructing a new mechanical plant that eliminates both the north and south lagoons. The new facility discharges to a tributary of Sni-a-Bar Creek, eliminating the discharge of wastewater to Horseshoe Creek.

Enclosed please find the Missouri State Operating Permit for the new Oak Grove WWTP. The Horseshoe Creek discharges are now eliminated and the final limits are based on discharge to a tributary of Sni-a-Bar Creek. The department has scheduled post construction water quality monitoring of Horseshoe Creek for Fiscal Year 2008 (summer 2007). A reopener clause is included in the permit to allow for stricter limits if future monitoring shows WQS violations. In-stream water quality monitoring, upstream and downstream of the confluence of the discharge tributary and Sni-a-Bar Creek, is a permit requirement.

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With this letter, the department submits the Oak Grove WWTP permit to the U.S. EPA for concurrence that the permit will serve in lieu of a TMDL. We appreciate EPA taking prompt action on this. If you have any questions, please contact Mr. Philip Schroeder at (573) 751-6770 or by mail at Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM

Edward Galbraith
Director

EG:mcl

Enclosures

c: Mr. William Bryan, Attorney General's Office
Mr. Daniel Schuette, Director Division of Environmental Quality
Mr. Earl Pabst, Deputy Division Director
Missouri Clean Water Commission



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

APR 21 2006

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EPA REGION VII
KANSAS CITY
APR 21 2006

12:52

Mr. Edward Galbraith, Director
Water Pollution Control Program
Water Protection and Soil Conservation Division
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Dear Mr. Galbraith:

RE: Permit Limits in Lieu of a Total Maximum Daily Load for Red Oak Creek, Red Oak Creek Tributary, and Horseshoe Creek

This letter responds to the submissions from the Missouri Department of Natural Resources (MDNR), dated November 17, 2005, and February 27, 2006, regarding Red Oak Creek, Red Oak Creek Tributary, and Horseshoe Creek. These waterbodies were listed as impaired on Missouri's 2002 §303(d) list. MDNR proposes to correct the impairment with National Pollutant Discharge Elimination System (NPDES) permit limits in lieu of a Total Maximum Daily Load (TMDL). The following water body segments were proposed to be corrected through permit limits.

Water Body	WBID	Impairment	Source	Permit #	Year added to list
Red Oak Creek	2038	Volatile Suspended Solids (VSS)	Owensville Wastewater Treatment Plant (WWTP)	MO-0041068	2002
Red Oak Creek Tributary	3360	Volatile Suspended Solids (VSS)	Owensville Wastewater Treatment Plant (WWTP)	MO-0041068	2002
Red Oak Creek Tributary	3361	Volatile Suspended Solids (VSS)	Owensville Wastewater Treatment Plant (WWTP)	MO-0041068	2002
Horseshoe Creek	3413	Biochemical Oxygen Demand (BOD) and Ammonia	Oak Grove Northwest Wastewater Treatment Plant (WWTP)	MO-0106259	2002

Waters require TMDLs when certain pollution control requirements are not stringent enough to implement water quality standards for such waters. To exempt an impaired water from the TMDL process, the pollution control requirements cited in the regulation under 130.7(b)(i), (ii), and (iii) must be established and enforced by federal, state, or local laws or regulations, and be stringent enough that, when applied, the receiving water will meet water quality standards.

The Owensville WWTP has been identified as the sole source of the VSS impairment, on Red Oak Creek and Red Oak Creek Tributary, as a result of surface water monitoring directly above and below the WWTP. The NPDES permit issued on September 30, 2005, for the Owensville WWTP includes a compliance schedule; final limits will achieve water quality standards for VSS by September 30, 2008.

The Oak Grove WWTP has been identified as the sole source of the Biochemical Oxygen Demand and ammonia impairment, on Horseshoe Creek, as a result of surface water monitoring directly above and below the WWTP. The NPDES permit was issued on February 10, 2006. The Horseshoe Creek discharges have been eliminated and the facility now discharges to a tributary of Sni-a-Bar Creek.

The Environmental Protection Agency (EPA) has completed its review of these submissions, and other previously submitted information. The permit actions appear sufficient to address the impairments per 40 CFR 130.7(b)(ii).

On February 27, 2001, EPA entered into a Consent Decree with the American Canoe Association, which outlined milestones for developing TMDL documents for waterbodies included on the 1998 §303(d) list. In fulfilling the milestone obligations, Paragraph 5.B(4)(b) of the Consent Decree indicates that waterbodies that EPA determines do not need TMDLs consistent or are subsequently removed from the Missouri §303(d) list also count toward meeting the TMDL Consent Decree requirements.

Red Oak Creek, Red Oak Creek Tributary, and Horseshoe Creek, were listed on the 2002 §303(d) list but were not listed on the 1998 §303(d) list. Therefore, the permit action on these three waterbodies will not count toward meeting the TMDL Consent Decree requirements. During the next Missouri 303(d) listing process, EPA will consider all the submitted information and supporting documentation as well as any new data gathered during the intervening time as supporting evidence justifying removal of the waterbodies from the list.

If you have any questions or concerns in regards to this matter, please contact Jack Generaux, TMDL Team Leader, at (913)551-7690, or Tabatha Adkins, TMDL Team, at (913)551-7128.

Sincerely,

A handwritten signature in dark ink, appearing to read "Betty Berry". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Betty Berry

Acting Director

Water, Wetlands, and Pesticides Division

cc: Ann Crawford, TMDL Chief, MO Dept of Natural Resources, Jefferson City, MO
Phil Schroeder, Missouri Department of Natural Resources, Jefferson City, MO